

NOTE: These minutes do not constitute a verbatim transcription of the CPC meeting.

**CITY PLANNING COMMISSION
REGULAR MEETING
May 5, 2005**

APPROVED

Call to Order: The meeting was called to order by Chairperson Arthur Simons in the Committee of the Whole Room, 13th Floor of the Coleman A. Young Municipal Center, at 4:53 PM.

Roll Call: Present at the meeting were Commissioners Cason, Christensen, Glaser, Glenn, Jeffrey, Simons, Smith, and Wendler. Absent was Commissioner Williams (excused).

Agenda: The Agenda was amended to include under New Business, Item V-A-- consideration of scheduling a special meeting to approve an amendment to the new Zoning Ordinance.

Minutes: **ACTION:** Commissioner Glaser moved to approve the minutes of the Regular Meeting of April 21, 2005.
Commissioner Glenn seconded the motion.
Motion carried.

NEW BUS.--
Law Dept.--
Amendment
to new Zoning
Ord. --

Angela Bodley Carter of the Law Department requested that the CPC consider holding a special meeting on May 24, 2005 to consider amending the new Zoning Ordinance approved by City Council on March 16, 2005 and effective May 28, 2005. The amendment is necessary to clarify the transition between the current Zoning Ordinance, No. 390-G, as amended, and the new Zoning Ordinance, Ordinance 11-05. The amendment would change Article I Section 61-1-13 to add a provision that all uses, other than those permitted by right, that are valid on the effective date of the Zoning Ordinance remain valid in accordance with the terms, conditions, regulations, controls or requirements of the grants or approvals that are issued by any City department or agency, or resolutions adopted or ordinances passed by the City Council, which allow such uses. The change would also add language that all conditions, regulations, controls, and requirements associated with special purpose zoning districts remain unaltered from Ordinance No. 390-6, as amended.

The Commissioners agreed to schedule a public hearing at 5:00 PM on Tuesday, May 24, 2005, to consider the amendment.

PUBLIC
HEARING--
Master Plan
Amendment to
allow the
expansion
of parking
lot at St.
John River-
view Hospital:

A public hearing was held on the request of the Planning and Development Department to amend the *Detroit Master Plan of Policies* regarding the Butzel Subsector to show an OSI (Open Space-Institutional) designation where RH (High-Density Residential) and RM (Medium-Density Residential) designations currently exist for the area bounded by E. Lafayette Ave., vacated Sheridan Ave., Congress Street, and the alley first east of Field Ave. to allow for the expansion of the parking lot at St. John Riverview Hospital.

CPC staff member Heidi Alcock reviewed the background information and CPC staff's analysis.

The expanded parking is required as a companion to the construction of a new 63,921 square foot medical office building to be constructed and connected to the northwest corner of the hospital by connector link. On March 10, 2005 CPC recommended approval with conditions of the petition of Landmark Healthcare Facilities, Inc. to modify the plans for the existing PD (Planned Development District) to allow construction of the medical office building and approval with conditions of a request to rezone the area generally bounded by E. Lafayette Ave., vacated Sheridan Ave., Congress St., and the alley first east of Field Ave. from an R5 (Medium Density Residential District) to PD (Planned Development District). The rezoning allows for expansion of the parking area in order to offset the 93 spaces displaced by the new medical office building as well as for meeting the parking requirements for the hospital campus. On March 23, 2005 City Council approved both the modification of the plans and the rezoning to PD with the conditions as recommended by the CPC.

Ms. Alcock noted that the subject area is comprised of vacant lots and three houses. The hospital has provided notice to the occupants of the houses to vacate the premises, which the hospital owns, and is awaiting demolition permits to be finalized.

The CPC office received one written response in support of the project and one phone call from a resident on Seyburn expressing a complaint about noise.

Bruce Evans of the P&DD reviewed the amendment. He iterated that the amendment is necessary to allow for the expansion of the parking lot and to make a housekeeping correction. The PD zoning classification requires that the plans be consistent with the Master Plan.

The following persons spoke at the public hearing.

Carole Everts, 732 Seyburn, thanked the Commission for its help in resolving problems in the community as a result of the operations and expansion of St. John Riverview Hospital. Ms. Everts indicated that she was not against the hospital expansion but that consideration should be given to the neighborhood when it came to planning for large, noisy, vibratory developments. She expressed opposition to the placement of two mobile power plant trucks within 25 feet of her residence, and the traversing of trucks on Van Dyke Place and Seyburn. Ms. Everts noted that in April, the hospital told the community that trucks would no longer travel down those streets. Concerns were again expressed at a meeting held last night. At that meeting, a hospital representative expressed apologies about the situation. The representative stated that the set-up of the power plant trucks is temporary, lasting only for one month. The trucks are necessary to assist in the replacement of the existing generator. A new representative of the hospital is going to be working with the construction company to make sure construction-related trucks are kept off of the residential streets. The trucks, which have been traveling at high rates of speed, are a danger to children and seniors. The residential streets are deteriorating. Seyburn has not been resurfaced in over 25 years. The community wanted assurance that the set-up of the mobile power plants is truly temporary.

Ms. Alcock noted that she had spoken to the hospital regarding the situation. The two mobile trucks are powering the entire hospital and are needed to assist in the replacement of the current generator.

Commissioner Wendler questioned why the mobile trucks are not placed in the parking lot away from the residences. A representative from Landmark Healthcare explained that the two mobile generators have to be in proximity to the old generator because of the length of powerlines. The situation is temporary. The hospital will insist that the construction related truck traffic does not utilize residential streets. Traffic will be restricted to accessing the hospital site via Jefferson Ave. In response to Commissioner Jeffrey, the representative cited language in the contract stating that construction related traffic must use Jefferson Ave. Landmark Healthcare will enforce the restriction.

In response to Commissioner Christensen, the representative stated that the hospital uses both power and generators. The system is cogeneric.

Commissioner Jeffrey suggested that Ms. Everts petition City Council relative to the schedule of street maintenance.

Carol Rhoades, 733 Seyburn, expressed concerns regarding lack of ingress and egress to and from the residences. Sheridan Ave. is now closed. There is no easy way to get to the next street from Jefferson. The only other street is Van Dyke. However, Van Dyke is very narrow with parking allowed on both sides of the street. There are no signs posted saying use Field or Townsend. The rezoning has affected traffic patterns in the neighborhood.

Ms. Alcock noted the Department of Public Works-Traffic Engineering Division's analysis of curb cuts at the time the rezoning was being considered. The closing of Sheridan does restrict north-south traffic through the neighborhood. The Division was requested to consider a curb cut in the median on Jefferson Ave. at Field Street to provide another option for north-south traffic through the community. The Division provided traffic counts showing that traffic could be routed to East Grand Blvd. and Van Dyke Ave. for north-south traffic through the community.

Ms. Alcock noted that the closing of Sheridan was not forwarded to the CPC staff for review and recommendation.

Commissioner Wendler felt that a discussion should be scheduled with City Council regarding the difficulty in dealing with the after-effects when requests for street vacations are not forwarded to the CPC for review and recommendation. Ms. Bruhn explained that normally the CC refers requests for street vacations to the CPC staff. It probably was an oversight, but the request to close Sheridan was not referred to the staff. When the requests are referred, CPC staff tries to resolve the issues of the community or recommend against the street closing. She noted CPC staff's review and recommendation regarding the request of Sherwood Foods to close Hildale Ave.

Ms. Bruhn noted that CPC staff looked at providing a curb cut through the island on E. Jefferson in order to have a more efficient way of driving eastbound on Jefferson.

Father David Preuss, Pastor of St. Charles, 1491 Baldwin, expressed support. Fr. Preuss, a board member of Island View Development Corp. noted the history the hospital's expansion and relations with the community for the past decade. The hospital has been in conversation with Island View and the Church of the Messiah Housing Corp. regarding development activities in the neighborhood. Island View and Messiah Housing are planning to develop additional housing, some of which will be on Field. The hospital has helped the two organizations with its plans. He commended the hospital for its efforts.

Commissioner Wendler recommended that Island View Association and Messiah Housing Corporation include the West Village Association in its discussions on land use and development planning strategies to assure incorporation of the West Village Association. She felt that Fr. Preuss could be instrumental in bringing all the parties together.

Commissioner Jeffrey encouraged the community to not take the Traffic Engineering Division's answer to not provide curb cuts as a final decision. The community should continue to pursue approval of curb cuts. Whenever a street is closed, there is an impact on the community. If new houses are going to be built, there is even more reason to pursue curb cuts.

Ms. Bruhn noted that CPC staff had conducted a site visit on E. Jefferson regarding the possibility of providing curb cuts. However, she noted the impossibility of providing the requested curb cut given congestion and conflicts in accommodating traffic to and from Belle Isle and the location of existing curb cuts.

CPC staff recommended approval of the amendment.

**ACTION: Commissioner Cason moved to accept the CPC staff recommendation.
Commissioner Glaser seconded the motion.
Motion carried.**

OLD BUS.—
First
Amendment
to the
Zoning Ord.:

Ms. Bruhn noted that on April 29, 2005 the CPC staff submitted a report to City Council forwarding the CPC's recommendation of approval of the first amendment to the new Zoning Ordinance. Because the CPC viewed two separate documents at its April 21, 2005 public hearing, the 57-page general text and the 15-page design standards addendum, CPC staff had to merge the two documents into one 71-page ordinance for City Council's consideration. As part of the Commission's recommendation, CPC staff was directed to make corrections and changes in merging the two documents to address any mistakes, ambiguities, or inconsistencies in the provisions. As a result of the direction, the 71-page document forwarded to City Council differed from the one reviewed by the Commission on April 21.

Ms. Bruhn reviewed some of the changes, most of which were non-substantive. Terms such as entrance and entry were changed to entryway to coincide with other references within the design standards. The fenestration standard was clarified to refer to windows or window wall systems rather than windows or window wall-glass and metal curtain wall system. The parking area objective was clarified so as not to refer solely to shopping and dining.

Ms. Bruhn noted that some of the other changes might be viewed as changes of substance; however, none of those changes increased the regulatory burden on the public.

OLD BUS.—
Dept. of
Administra-
tive
Hearings:

Ms. Bruhn reviewed answers to Commissioners' questions on the Department of Administrative Hearings (DAH). The answers were submitted in a May 3, 2005 letter from Medina Noor, Director of the DAH. A copy of the letter was included in the CPC table packet.

In the letter, Ms. Noor responded that business signs do not currently fall under the jurisdiction of the DAH. However, Ms. Bruhn noted that in a recent conversation, Amru Meah, Director of the Buildings & Safety Engineering Department (B&SE), indicated that business signs would go to the DAH if there were construction violations.

Ms. Noor responded that the DAH can and will obtain reports by specific geographic location, e.g., clusters. Presently the DAH does not have the technology in place to provide information by neighborhood. However, the DAH should be able to provide this type of information in the future.

Ms. Noor indicated that an inspector (the moving party) has to be present at the hearing in order for the case to move forward. A hearing can only take place if the moving party is ready to proceed. If the moving party is not ready nor present, or requests that a case not proceed or be dismissed, the hearing officer has no discretion but to dismiss the case, since it cannot move forward without the moving party.

In response to Commissioner Wendler, Ms. Bruhn noted that a moving party is an enforcing department, e.g., the B&SE, Department of Environmental Affairs or, in some cases, the Neighborhood City Halls.

Commissioner Cason inquired as to whether the case could be postponed rather than dismissed.

In response to Commissioner Glenn, Ms. Bruhn noted that the DAH is now requiring all inspectors to sign in. Many times a case may have been called in one courtroom but the inspector was in another courtroom. Signing in should resolve that problem. A number of cases from the 36th District Court were held and rescheduled for a hearing, but the inspectors were never informed of the new hearing dates. That problem is now being remedied.

Mr. Meah had indicated that the departments are working very hard with the judges to stop the dismissals and to tighten up procedures. The number of dismissals has decreased significantly.

Commissioner Simons inquired as to the reasons why a case would be dismissed without a hearing. Again, Ms. Bruhn noted that that DAH is working with the judges to tighten up the procedure.

Ms. Bruhn suggested asking for a statistical report from the DAH on the number of cases held, the number dismissed, comparison to previous months, etc. Commissioner Cason felt that the Commission should ask for periodic updates.

Commissioner Simons felt that Ms. Noor should be invited to a CPC discussion.

Commissioner Jeffrey expressed concern regarding the lack of security at the DAH. At the time of the tour of the office, only one police officer was stationed at the front door. No guards were in the courtrooms.

Commissioner Glenn felt that the answers from Ms. Noor were not adequate. The DAH is doing the same thing as the 36th District Court. The CPC wants to stop the dismissal of cases. If an inspector does not have the information, the case should be postponed. By dismissing the case, the City is telling the homeowners that they can get away with the violation again.

Commissioner Christensen agreed that it was discouraging but if the inspector is not there, the judge has no option but to dismiss the case. It is unfair to expect a defendant to take another day off work to attend a postponed hearing because an inspector did not show up. Postponement is not the answer.

Commissioner Jeffrey felt it would be in the DAH's best interests to settle rather than dismiss a case. Given the response from Ms. Noor and the comments at today's meeting, Commissioner Jeffrey felt that DAH appears to be addressing the problems of dismissal.

Ms. Bruhn suggested obtaining a status report from the DAH prior to the scheduling of a discussion.

Commissioner Glenn questioned why a supervisor rather than an inspector couldn't be the moving party. Commissioner Christensen responded that the supervisor did not witness the violation. The accuser has to be present at the hearing.

Commissioner Simons inquired as to whether a photograph of the property would suffice.

OLD BUS.— Commissioners agreed to tour Fort Wayne on Thursday, May 26, 2005 at 1:00 PM.
Tour of
Fort Wayne: Commissioners interested in attending the tour agreed to meet at the Fort.

Commissioner Wendler noted that the Master Plan for Fort Wayne had not been truly presented to the Commission. She felt it was important that the presentation be made.

Director's
Report: Recent City Council actions included approval of the Master Plan for the Gateway Mall project area at Woodward Ave. and Eight Mile Rd. as recommended by the Commission. City Council also approved the rezoning for the Greektown and MotorCity Casino.

City Council is awaiting a response from the Law Department regarding the need to put liens on property owned by persons who abandon property in the City of Detroit, thereby shifting the cost of demolition to the responsible parties. The Commission had raised this issue during its CDBG/NOF discussions on demolition.

The Administration recently announced the implementation of the 311 Call Center. All calls for City services should be routed through the 311 number, rather than calling specific departments or personnel. Ms. Bruhn indicated that she would check on the number of persons who have been assigned to handle the calls. City Council had expressed skepticism about the efficiency of the program. The Commissioners expressed the same concern. Commissioner Glenn felt that all calls to 311 should be responded to in the order received. He inquired as to how the system is going to work and whether it would be functioning 24 hours per day.

Adjournment: The meeting was adjourned at 6:15 PM.